



Broadcasting Decision CRTC 2020-240

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Reference: Part 1 licence renewal application posted on 31 January 2020

Ottawa, 6 August 2020

Neepawa Access Community T.V. (ACTV) Inc.
Neepawa, Manitoba

Public record for this application: 2020-0005-8

CH5248 Neepawa – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language low-power community television station CH5248 Neepawa, Manitoba, from 1 September 2020 to 31 August 2025.*

Application

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act.
2. On 3 June 2019, the Commission issued Broadcasting Notice of Consultation 2019-192, which listed the television services and stations for which the licences needed to be renewed to continue their operations. In that Notice of Consultation, the Commission requested that licensees of those services and stations submit renewal applications for their broadcasting licences.
3. In response, Neepawa Access Community T.V. (ACTV) Inc. filed an application to renew the broadcasting licence for the national, English-language low-power community television station CH5248 Neepawa, Manitoba, which expires 31 August 2020.
4. The licensee confirmed that it would adhere to the standard requirements for community television set out in Appendix 2 to Broadcasting Regulatory Policy 2016-224. Further, the licensee proposed to maintain the conditions of licence set out in Appendix 22 to Broadcasting Decision 2013-467 and to continue to be relieved from the requirements of sections 10(1) to 10(4) of the *Television Broadcasting Regulations, 1987* (the Regulations) with regard to the retention and submission of program logs or records.

Intervention

5. The Commission received an intervention in regard to the present application from the Forum for Research and Policy in Communications (FRPC). In its intervention, the FRPC submitted that the Part 1 process used by the Commission for the renewal of the broadcasting licences for independent television stations is not appropriate given that a Part 1 proceeding does not give the public sufficient notice to consider and comment on licence renewal applications for stations in non-compliance.
6. The FRPC expressed concerns regarding the late filing of annual returns for the 2016-2017 and 2017-2018 broadcast years. The FRPC recommends the exemption from most licensing requirements and a full-term renewal.
7. The Commission notes, however, that dealing with licence renewal applications under the Part 1 process is a long-standing practice that was first announced to the public and to the broadcasting industry in Broadcasting Information Bulletin 2015-116. Any party may comment on a Part 1 application and examine the licensee's correspondence with Commission staff regarding non-compliance. Moreover, this approach has served the Commission and the public well, as evidenced by the high level of compliance by licensees of television services. The issue of non-compliance with respect to the submission of annual returns is considered in the following section of this decision.

Non-compliance

Annual returns

8. Section 10(1)(i) of the Act authorizes the Commission to make regulations in furtherance of its objects requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.
9. Consistent with this authority, section 12(1) of the Regulations, requires that, on or before 30 November of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the 12 month period ending on the previous 31 August (i.e., the end of the broadcast year). As per Circular 404, *Requirements for the Filing of Financial Statements with the Broadcasting Annual Return*, 23 August 1994, financial statements must be filed covering the same period as the annual return.
10. In this regard, the licensee did not file its annual returns for the 2016-2017 and 2017-2018 broadcast years. The licensee indicated that the station is run by volunteers and given the high turnover, it is likely that it unintentionally failed to file returns for certain years. The licensee committed to file the missing reports by 29 February 2020.
11. The Commission notes that the licensee did not file the missing returns by the proposed date.

12. In light of the above, the Commission finds the licensee in non-compliance with section 12(1) of the Regulations, for the 2016-2017 and 2017-2018 broadcast years and imposes a **condition of licence** requiring the licensee to submit the missing returns by no later than 30 November 2020.

National public alerting system

13. Section 10(1) of the Act also authorizes the Commission to make regulations furthering its objects regarding the broadcasting of programs. In Broadcasting Regulatory Policy 2014-444, the Commission reiterated that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians and that the duty to inform the public of imminent perils is at the core of the public service obligations of all broadcasters. Consistent with this authority the Commission made section 18 of the Regulations which requires each licensee operating a community station to participate in the National Public Alerting System (NPAS) by no later than 31 March 2016.

14. According to Commission records, the licensee has not implemented the NPAS.

15. The licensee indicated that the NPAS was not implemented due to a lack of funding and also due to technical resources as the station only has two staff members. The licensee also indicated that it has attempted to contact the National Alert Aggregation and Dissemination System Support Desk, but did not indicate what it accomplished in doing so.

16. The Commission acknowledges that the licensee is aware of its non-compliance with the NPAS requirements. The Commission also recognizes the limited financial means of this small community television station.

17. However, the financial projections provided by the licensee indicate that it would be operating at an increasing level of profit for the next five years, therefore, the Commission is of the view that it would not be deleterious to the station if it were to be required that the alerting system be implemented within a one year time frame.

18. In light of the above, the Commission finds the licensee in non-compliance with section 18 of the Regulations. A **condition of licence** requiring the licensee to implement the NPAS by no later than **1 September 2021** and setting out the reporting requirements related to the NPAS implementation is set out in the appendix to this decision.

Condition of licence amendments

19. Also consistent with the authority set out in section 10(1)(i) of the Act, section 10 of the Regulations requires licensees to maintain and submit logs and records regarding the programming that they broadcast.

20. The licensee is currently relieved from its obligations under section 10(1) to 10(4) of the Regulations, which set out certain requirements regarding program logs and

records, though it is still required to retain a clear and intelligible audio-visual recording of all its programming, and provide it, upon request, to the Commission, pursuant to the requirements of sections 10(5) and 10(6) of the Regulations.

21. The licensee requested that the same conditions apply in this licence term as in its last renewal as set out in Broadcasting Decision 2013-467 including the exception to sections 10(1) to 10(4) of the Regulations.
22. The Commission considers that it is appropriate to maintain the exception from logging requirements due to the small size and limited resources available to the licensee.
23. A **condition of licence** to this effect is set out in the appendix to this decision. The Commission notes that the licensee is still required to retain a clear and intelligible audio-visual recording of all its programming, and provide it, upon request, to the Commission pursuant to sections 10(5) and 10(6) of the Regulations.

Conclusion

24. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language low-power community television programming undertaking CH5248 Neepawa, Manitoba, from 1 September 2020 to 31 August 2025. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

25. The timely filing of complete annual returns, including financial statements, is a basic and fundamental regulatory obligation. Compliance with this requirement not only allows the Commission to effectively monitor licensees' performance and compliance with various regulations and obligations, but also enables it to effectively assess, supervise, and regulate the television broadcasting industry as a whole. Accordingly, the late or incomplete filing of annual returns and financial statements is considered to be a serious matter.
26. The full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, the Commission holds that compliance is mandatory and that timely compliance by stations will be closely monitored.

Secretary General

Related documents

- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-192, 3 June 2019
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016

- *Various independent conventional and community-based television programming undertakings – Licence renewals, Broadcasting Decision 2013-467, 30 August 2013*

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2020-240

Terms, conditions of licence, expectations and encouragements for the English-language low-power community television programming undertaking CH5248 Neepawa, Manitoba

Terms

The licence will take effect 1 September 2020 and expire 31 August 2025.

Conditions of licence

1. The licensee shall adhere to the standard conditions of licence for community television stations set out in Appendix 2 to *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. As an exception to sections 10(1) to 10(4) of the *Television Broadcasting Regulations, 1987* (the Regulations), the licensee is relieved of the requirements set out therein with regard to the retention of program logs or records. The Commission reminds the licensee that it must retain a clear and intelligible audio-visual recording of all its programming, and provide it, upon request, to the Commission, pursuant to the requirements of sections 10(5) and 10(6) of the Regulations.
3. In order to comply with the requirements set out in section 18 of the *Television Regulations, 1987* and *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, the licensee shall implement the National Public Alerting System (NPAS) by no later than **1 September 2021**. As part of this requirement:
 - a) The licensee must file with the Commission a letter attesting to the implementation date of its NPAS within 14 days after the installation. In this letter, the licensee must confirm whether maintenance, testing and updating procedures have been adopted for its automated emergency alert message distribution equipment.
 - b) The licensee must file with the Commission the results of its first NPAS tests, as scheduled by the relevant alerting authorities, within two weeks after the occurrence of such system tests.
 - c) The licensee must file a report on its progress with respect to the implementation of NPAS every six months, beginning **1 March 2021**.
4. The licensee shall file annual returns for the 2016-2017 and 2017-2018 broadcast years by no later than **30 November 2020**.

Expectations

The standard expectations applicable to this licensee are set out in Appendix 2 to *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 2 to *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.